



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4532

Introduced 1/11/2006, by Rep. Brandon W. Phelps - Donald L. Moffitt - John A. Fritchey - Linda Chapa LaVia - Harry R. Ramey, Jr.

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-1

from Ch. 38, par. 26-1

Amends the Criminal Code of 1961 relating to disorderly conduct. Provides that engaging in any loud protests of singing, chanting, whistling, or yelling with or without noise amplification, displaying any visual images that convey fighting words or actual or veiled threats against any other person, engaging in a directed protest march or picket at any public location when any of these activities are conducted within 300 feet of any entrance to a facility being used for a funeral or memorial service, or blocking access to such facility at any time during the period starting 30 minutes before any funeral or memorial service is scheduled to begin and ending 30 minutes after the funeral or memorial service terminates is disorderly conduct in which the penalty is a Class C misdemeanor. Provides that the provisions of the Act are severable. Effective immediately.

LRB094 16788 RLC 52059 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 26-1 as follows:

6 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

7 Sec. 26-1. Elements of the Offense.

8 (a) A person commits disorderly conduct when he or she  
9 knowingly:

10 (1) Does any act in such unreasonable manner as to  
11 alarm or disturb another and to provoke a breach of the  
12 peace; or

13 (2) Transmits or causes to be transmitted in any manner  
14 to the fire department of any city, town, village or fire  
15 protection district a false alarm of fire, knowing at the  
16 time of such transmission that there is no reasonable  
17 ground for believing that such fire exists; or

18 (3) Transmits or causes to be transmitted in any manner  
19 to another a false alarm to the effect that a bomb or other  
20 explosive of any nature or a container holding poison gas,  
21 a deadly biological or chemical contaminant, or  
22 radioactive substance is concealed in such place that its  
23 explosion or release would endanger human life, knowing at  
24 the time of such transmission that there is no reasonable  
25 ground for believing that such bomb, explosive or a  
26 container holding poison gas, a deadly biological or  
27 chemical contaminant, or radioactive substance is  
28 concealed in such place; or

29 (4) Transmits or causes to be transmitted in any manner  
30 to any peace officer, public officer or public employee a  
31 report to the effect that an offense will be committed, is  
32 being committed, or has been committed, knowing at the time

1 of such transmission that there is no reasonable ground for  
2 believing that such an offense will be committed, is being  
3 committed, or has been committed; or

4 (5) Enters upon the property of another and for a lewd  
5 or unlawful purpose deliberately looks into a dwelling on  
6 the property through any window or other opening in it; or

7 (6) While acting as a collection agency as defined in  
8 the "Collection Agency Act" or as an employee of such  
9 collection agency, and while attempting to collect an  
10 alleged debt, makes a telephone call to the alleged debtor  
11 which is designed to harass, annoy or intimidate the  
12 alleged debtor; or

13 (7) Transmits or causes to be transmitted a false  
14 report to the Department of Children and Family Services  
15 under Section 4 of the "Abused and Neglected Child  
16 Reporting Act"; or

17 (8) Transmits or causes to be transmitted a false  
18 report to the Department of Public Health under the Nursing  
19 Home Care Act; or

20 (9) Transmits or causes to be transmitted in any manner  
21 to the police department or fire department of any  
22 municipality or fire protection district, or any privately  
23 owned and operated ambulance service, a false request for  
24 an ambulance, emergency medical technician-ambulance or  
25 emergency medical technician-paramedic knowing at the time  
26 there is no reasonable ground for believing that such  
27 assistance is required; or

28 (10) Transmits or causes to be transmitted a false  
29 report under Article II of "An Act in relation to victims  
30 of violence and abuse", approved September 16, 1984, as  
31 amended; or

32 (11) Transmits or causes to be transmitted a false  
33 report to any public safety agency without the reasonable  
34 grounds necessary to believe that transmitting such a  
35 report is necessary for the safety and welfare of the  
36 public; or

1 (12) Calls the number "911" for the purpose of making  
2 or transmitting a false alarm or complaint and reporting  
3 information when, at the time the call or transmission is  
4 made, the person knows there is no reasonable ground for  
5 making the call or transmission and further knows that the  
6 call or transmission could result in the emergency response  
7 of any public safety agency; or -

8 (13) Engages in any loud protests of singing, chanting,  
9 whistling, or yelling with or without noise amplification  
10 including, but not limited to, bullhorns, auto horns, and  
11 microphones within 300 feet of any entrance to a facility  
12 being used for a funeral or memorial service at any time  
13 during the period starting 30 minutes before any funeral or  
14 memorial service is scheduled to begin and ending 30  
15 minutes after the funeral or memorial service terminates;  
16 or

17 (14) Displays any visual images that convey fighting  
18 words or actual or veiled threats against any other person  
19 within 300 feet of any entrance to a facility being used  
20 for a funeral or memorial service at any time during the  
21 period starting 30 minutes before any funeral or memorial  
22 service is scheduled to begin and ending 30 minutes after  
23 the funeral or memorial service terminates; or

24 (15) Blocks access to any facility being used for a  
25 funeral or memorial service at any time during the period  
26 starting 30 minutes before any funeral or memorial service  
27 is scheduled to begin and ending 30 minutes after the  
28 funeral or memorial service terminates; or

29 (16) Engages in a directed protest march or picket at  
30 any public location within 300 feet of any entrance to a  
31 facility being used for a funeral or memorial service at  
32 any time during the period starting 30 minutes before any  
33 funeral or memorial service is scheduled to begin and  
34 ending 30 minutes after the funeral or memorial service  
35 terminates.

36 (b) Sentence. A violation of subsection (a) (1), (a) (13),

1 (a)(14), (a)(15), or (a)(16) of this Section is a Class C  
2 misdemeanor. A violation of subsection (a)(5), (a)(11), or  
3 (a)(12) of this Section is a Class A misdemeanor. A violation  
4 of subsection (a)(8) or (a)(10) of this Section is a Class B  
5 misdemeanor. A violation of subsection (a)(2), (a)(4), (a)(7),  
6 or (a)(9) of this Section is a Class 4 felony. A violation of  
7 subsection (a)(3) of this Section is a Class 3 felony, for  
8 which a fine of not less than \$3,000 and no more than \$10,000  
9 shall be assessed in addition to any other penalty imposed.

10 A violation of subsection (a)(6) of this Section is a  
11 Business Offense and shall be punished by a fine not to exceed  
12 \$3,000. A second or subsequent violation of subsection (a)(7),  
13 (a)(11), or (a)(12) of this Section is a Class 4 felony. A  
14 third or subsequent violation of subsection (a)(5) of this  
15 Section is a Class 4 felony.

16 (c) In addition to any other sentence that may be imposed,  
17 a court shall order any person convicted of disorderly conduct  
18 to perform community service for not less than 30 and not more  
19 than 120 hours, if community service is available in the  
20 jurisdiction and is funded and approved by the county board of  
21 the county where the offense was committed. In addition,  
22 whenever any person is placed on supervision for an alleged  
23 offense under this Section, the supervision shall be  
24 conditioned upon the performance of the community service.

25 This subsection does not apply when the court imposes a  
26 sentence of incarceration.

27 (Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01;  
28 93-431, eff. 8-5-03.)

29 Section 97. Severability. The provisions of this Act are  
30 severable under Section 1.31 of the Statute on Statutes.

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.